

R E M A R K S

- Claims 1 - 29 were pending
- Claims 24 - 27 and 29 will remain pending upon entry of this amendment
- Claims 24 - 27 and 29 have been amended herein
- Claims 1 - 23 and 28 have been cancelled herein
- Claim 24 is the only pending independent claim

Preliminary Remarks

The Applicant would like to thank the Examiner for indicating that claim 28 would be allowable if rewritten in independent form including all of the limitations of the base claim 24 and any intervening claim.

Interview Summary

The Applicant would also like to thank Examiner Ahmed M. Farah for taking the time to discuss the present office action over the telephone with Applicant's Representative Steven Santisi, Reg. No. 40,157 on October 15, 2007. During the interview the Examiner indicated that agreement was reached that if the Applicant amended claim 24 to include all of the limitations of objected to claim 28, that amended claim 24 (and claims 25 - 27 and 29 which depend from claim 24) would be allowable and would not require an additional search, and that the Examiner would enter this amendment after final. No other issues and no references were discussed.

Rejection of Claim 21 under 35 U.S.C. 102(b)

Claim 21 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,152,919 filed March

18, 1999 and issued November 28, 2000 to *Said I. Hakky* (hereinafter "*Hakky*"). Applicant respectfully traverses this rejection. However, solely to expedite prosecution, the Applicant has herein cancelled claim 21 without prejudice, and submits that the present rejection is therefore moot.

Rejection of Claims 1, 3, 5-8, 10, 11, 13-22, 24-27 & 29 under 35 U.S.C. 102(b)

Claims 1, 3, 5-8, 10, 11, 13-22, 24-27 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,026,367 filed March 18, 1988 and issued June 25, 1991 to *Michael E. Leckrone et al.* (hereinafter "*Leckrone*"). Applicant respectfully traverses this rejection. However, solely to expedite prosecution, the Applicant has herein cancelled claims 1, 3, 5 - 8, 10, 11, and 13 - 22 without prejudice, and submits that with respect to these claims the present rejection is therefore moot.

As indicated above, the Applicant has amended claim 24 to include all of the features of objected to claim 28. As such, claim 24, as amended, includes the feature "wherein treating the wound site comprises delivering a dose of light to the wound site having a wavelength ranging from about 350 to 900 nanometers". *Leckrone* does not disclose or suggest a wavelength of light which can be used in the laser disclosed therein, and the Applicant submits that *Leckrone* therefore does not anticipate claim 24, as amended.

The present claimed invention in claim 24, as amended, describes a method of treating a wound site. A multi-lumen cannula is provided, having a fiber optic light distribution system adapted to irradiate the wound site with light; one or more catheters adapted to deliver a fluid to the wound site; and one or more evacuation lines adapted to remove fluid from the wound site. The multi-lumen cannula is disposed in the wound site. The wound site is treated using the multi-lumen cannula, wherein treating the wound site comprises delivering a dose of light to the wound site having a wavelength ranging from about 350 to 900 nanometers.

The Applicant submits that *Leckrone* does not disclose every element recited in claims 24, as amended, 25-27 and 29, as required by the M.P.E.P. Thus, *Leckrone* cannot anticipate these claims.

Leckrone describes a laser angioplasty catheter, which enables "laser energy transmitted by an optical fiber or a bundle of optical fibers to be released from the distal end of the catheter to disintegrate or vaporize obstructions within blood vessels such as plaque in coronary, femoral, and other arteries." See e.g., col. 1, lns. 19-23 of *Leckrone*. Applicant respectfully submits that obstructions within blood vessels, are not equivalent to the **wound sites** recited in the present claimed invention. Additionally, the present claimed invention recites "a fiber optic light distribution system adapted to irradiate the wound site with light." In the present invention, a patient has already sustained a wound, such as

decubitus, ischial and sacral ulcers. These large area chronic wounds require treatment to "maintain an inflammatory response that promotes tissue granulation with fewer dressing changes and lower cost." See e.g., pg. 4, lns. 31-32 of the specification. Light dosing is used in the treatment of these large area wounds. See e.g., pg. 34, ln. 30 of the specification. In light dosing, "the fiber optic light distribution system includes a plurality of optical fibers for delivering light to the wound site. See e.g., pg. 5, lns. 20-23 of the specification. Applicant respectfully submits that using a laser to disintegrate or vaporize obstructions within blood vessels, as in *Leckrone*, is wholly unlike the present claimed invention which uses a fiber optic light distribution system to irradiate the wound site with light to promote tissue granulation. Thus, *Leckrone* neither discloses nor suggests "a fiber optic light distribution system adapted to irradiate the wound site with light" as recited in claim 24 of the present invention and therefore does not disclose at least this feature of claim 24. Accordingly, the Applicant respectfully submits that claim 24 is patentable over *Leckrone* and respectfully requests that the rejection of claim 24, as amended, be withdrawn. Claims 25-27 and 29, which depend from claim 24, as amended, are considered to be patentable for at least the same reasons.

Accordingly, for the reasons noted above, the Applicant submits that claim 24, as amended, is patentable over *Leckrone* and respectfully request that the rejection be withdrawn. Likewise, claims 25-27 and 29 depend from

claim 24, as amended, and are patentable for at least the same reasons.

Rejection of Claims 1, 10, 11, 13-22, 24-27 & 29 under 35 U.S.C. 102(b)

Claims 1, 10, 11, 13-22, 24-27 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,041,108 filed June 9, 1989 and issue August 20, 2001 to Kenneth R. Fox et al. (hereinafter "Fox"). Applicant respectfully traverses this rejection. However, solely to expedite prosecution, the Applicant has herein cancelled claims 1, 10, 11, and 13 - 22 without prejudice, and submits that with respect to these claims the present rejection is therefore moot.

The Applicants submit that *Fox* does not disclose every element recited in claims 24, as amended, 25-27 and 29, as required by the M.P.E.P.. Thus, *Fox* cannot anticipate these claims.

Applicant respectfully submits that *Fox* does not disclose every element recited in claim 24, as amended. Namely, *Fox* neither discloses nor suggests "a fiber optic light distribution system adapted to irradiate the wound site with light" as recited in the present claimed invention. *Fox*, instead, describes a method of using pulsed laser energy to destroy the tissue of luminal occlusions, such as atheromatous plaque. (Abstract). Applicant respectfully submits that tissues of luminal occlusions, as described in *Fox*, are not equivalent to **wound sites**, as recited in the present claimed invention.

Additionally, as described above, Applicant respectfully submits that using a laser to destroy the tissue of luminal occlusions, as in *Fox*, is wholly unlike the present claimed invention which uses a fiber optic light distribution system to irradiate the wound site with light to promote tissue granulation. Thus, *Fox* neither discloses nor suggests "a fiber optic light distribution system adapted to irradiate the wound site with light" as recited in claim 24 of the present invention and therefore does not disclose at least this element of claim 24. Likewise, claims 25-27 and 29, which depend from claim 24, are patentable for at least the same reasons.

Accordingly, for the reasons noted above, the Applicant submits that claim 24 is patentable over *Fox* and respectfully requests that the rejection be withdrawn. Likewise, claims 25-27 and 29 depend from claim 24, and are patentable for at least the same reasons.

Rejection of Claims 1, 9, 12, 21 & 28 under 35 U.S.C.

102(b)

Claims 1, 9, 12, 21 and 28 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,651,783 filed December 20, 1995 and issued July 29, 1997 to *Michael Reynard* (hereinafter "*Reynard*"). Applicant respectfully traverses this rejection. However, solely to expedite prosecution, the Applicant has herein cancelled claims 1, 9, 12, 21, and 28 without prejudice, and submits that with respect to these claims the present rejection is therefore moot.

The Applicant believes that the inclusion of claim 28 in the present rejection is a typographical error. On page 8 of the present official action, the Examiner states: "[a]s to the method claims 21 and 28, the Examiner withdraws from the rejection." In addition, as noted above, the Examiner has indicated that claim 28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant requests the Examiner to confirm the withdrawal of this rejection with respect to claim 28.

Rejection of Claims 2, 4 and 23 under 35 U.S.C. 103(a)

Claims 2, 4 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,041,108 filed June 9, 1989 and issued August 20, 1991 to *Kenneth R. Fox* (hereinafter "*Fox*") in view of U.S. Patent No. 6,605,082 filed July 2, 2001 and issued August 12, 2003 to *Norihiko Hareyama et al.* (hereinafter "*Hareyama*"). The Applicant respectfully traverses the rejection. However, solely to expedite prosecution, the Applicant has herein cancelled claims 2, 4, and 23 without prejudice, and submits that with respect to these claims the present rejection is therefore moot.

CONCLUSION

The Applicant believes all pending claims are in condition for allowance, and respectfully requests reconsideration and allowance of the same.

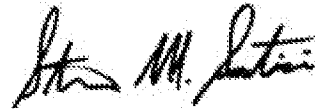
The Applicant does not believe any additional

Request for Extension of Time is required but if it is,
please accept this paragraph as a request for such an
Extension of Time and authorization to charge the requisite
extension fee to Deposit Account No. 04-1696.

The Applicant does not believe any other fees are
due regarding this amendment. If any other fees are
required, however, please charge Deposit Account No. 04-
1696.

The Applicant encourages the Examiner to
telephone Applicant's attorney should any issues remain.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven M. Santisi". The signature is fluid and cursive, with the first name "Steven" and last name "Santisi" clearly distinguishable.

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Tarrytown, New York